



General Assembly

February Session, 2000

Amendment

LCO No. 4096

Offered by:
REP. LAWLOR, 99th Dist.

To: Senate Bill No. 553

File No. 139

Cal. No. 388

***"An Act Concerning Adoption Of The National Crime
Prevention And Privacy Compact."***

1 Strike section 3 in its entirety and substitute the following in lieu
2 thereof:

3 "Sec. 3. Section 54-133 of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 [(a) The Governor is authorized and directed to execute a compact
6 on behalf of the state of Connecticut with any of the United States
7 legally joining therein in the form substantially as follows: A compact
8 entered into by and among the contracting states, signatories hereto,
9 with the consent of the Congress of the United States of America,
10 granted by an act entitled "An act granting the consent of Congress to
11 any two or more states to enter into agreements or compacts for
12 cooperative effort and mutual assistance in the prevention of crime
13 and for other purposes". The contracting states solemnly agree: (1)
14 That it shall be competent for the duly constituted judicial and
15 administrative authorities of a state party to this compact (herein
16 called "sending state"), to permit any person convicted of an offense

17 within such state and placed on probation or released on parole to
18 reside in any other state party to this compact (herein called "receiving
19 state"), while on probation or parole, if (A) such person is in fact a
20 resident of, or has his family residing within, and is able to obtain
21 employment within, the receiving state; (B) though such person is not
22 a resident of the receiving state and has no family residing therein, the
23 receiving state consents to allow him to reside therein; provided,
24 before such permission shall be granted, opportunity shall be granted
25 to the receiving state to investigate the home and prospective
26 employment of such person; a resident of the receiving state, within
27 the meaning of this section, being construed to be one who has been an
28 actual inhabitant of such state continuously for more than one year
29 prior to his coming to the sending state and who has not resided
30 within the sending state more than six continuous months
31 immediately preceding the commission of the offense for which he has
32 been convicted; (2) that each receiving state shall assume the duties of
33 visitation of and supervision over probationers or parolees of any
34 sending state and in the exercise of such duties will be governed by the
35 same standards that prevail for its own probationers and parolees; (3)
36 that duly accredited officers of a sending state may, at all times, enter a
37 receiving state and there apprehend and retake any person on
38 probation or parole, and for that purpose no formalities shall be
39 required other than establishing the authority of the officer and the
40 identity of the person to be retaken; all legal requirements to obtain
41 extradition of fugitives from justice are being expressly waived on the
42 part of the states party hereto, as to such persons and the decision of
43 the sending state to retake a person on probation or parole to be
44 conclusive upon and not reviewable within the receiving state;
45 provided, if, at the time when a state shall seek to retake a probationer
46 or parolee, there shall be pending against him within the receiving
47 state any criminal charge, or he shall be suspected of having
48 committed within such state a criminal offense, he shall not be retaken
49 without the consent of the receiving state until discharged from
50 prosecution or from imprisonment for such offense; (4) that the duly
51 accredited officers of the sending state shall be permitted to transport

52 prisoners being retaken through any and all states parties to this
53 compact, without interference; (5) that the governor of each contracting
54 state may designate an officer who, acting jointly with like officers of
55 other contracting states, if and when appointed, shall promulgate such
56 rules and regulations as may be deemed necessary to more effectively
57 carry out the terms of this compact; (6) that this compact shall become
58 operative immediately upon its execution by any state as between it
59 and any other state or states so executing and, when executed, it shall
60 have the full force and effect of law within such state, the form of
61 execution to be in accordance with the laws of the executing state; (7)
62 that this compact shall continue in force and remain binding upon each
63 executing state until renounced by it, that the duties and obligations
64 hereunder of a renouncing state shall continue as to parolees or
65 probationers residing therein at the time of withdrawal until they shall
66 be retaken or finally discharged by the sending state and that
67 renunciation of this compact shall be by the same authority which
68 executed it, by the sending of six months' notice in writing of its
69 intention to withdraw from the compact to each other state party
70 hereto. Whenever the duly constituted judicial and administrative
71 authorities in a sending state shall determine that incarceration of a
72 probationer or reincarceration of a parolee is necessary or desirable,
73 said officials may direct that the incarceration or reincarceration be in a
74 prison or other correctional institution within the territory of the
75 receiving state, such receiving state to act in that regard solely as agent
76 for the sending state.

77 (b) If any section, sentence, subdivision or clause of this section is
78 for any reason held invalid or to be unconstitutional, such decision
79 shall not affect the validity of the remaining portions of this section.

80 (c) Sections 54-132 to 54-138, inclusive, may be cited as the "Uniform
81 Act for Out-of-State Parolee Supervision".]

82 The Interstate Compact for Adult Offender Supervision is hereby
83 enacted into law and entered into by this state with all jurisdictions
84 legally joining therein, in the form substantially as follows:

85 ARTICLE I86 PURPOSE

87 The compacting states to this Interstate Compact recognize that each
88 state is responsible for the supervision of adult offenders in the
89 community who are authorized pursuant to the bylaws and rules of
90 this compact to travel across state lines both to and from each
91 compacting state in such a manner as to: Track the location of
92 offenders, transfer supervision authority in an orderly and efficient
93 manner, and when necessary return offenders to the originating
94 jurisdictions.

95 The compacting states also recognize that Congress, by enacting the
96 Crime Control Act, 4 USC Section 112 (1965), has authorized and
97 encouraged compacts for cooperative efforts and mutual assistance in
98 the prevention of crime.

99 It is the purpose of this compact and the Interstate Commission
100 created hereunder, through means of joint and cooperative action
101 among the compacting states: To provide the framework for the
102 promotion of public safety and protect the rights of victims through
103 the control and regulation of the interstate movement of offenders in
104 the community; to provide for the effective tracking, supervision and
105 rehabilitation of these offenders by the sending and receiving states;
106 and to equitably distribute the costs, benefits and obligations of the
107 compact among the compacting states.

108 In addition, this compact will: Create an Interstate Commission
109 which will establish uniform procedures to manage the movement
110 between states of adults placed under community supervision and
111 released to the community under the jurisdiction of courts, paroling
112 authorities, corrections or other criminal justice agencies which will
113 promulgate rules to achieve the purpose of this compact; ensure an
114 opportunity for input and timely notice to victims and to jurisdictions
115 where defined offenders are authorized to travel or to relocate across
116 state lines; establish a system of uniform data collection, access to

117 information on active cases by authorized criminal justice officials and
118 regular reporting of compact activities to heads of state councils, state
119 executive, judicial and legislative branches and criminal justice
120 administrators; monitor compliance with rules governing interstate
121 movement of offenders and initiate interventions to address and
122 correct non-compliance; and coordinate training and education
123 regarding regulation of interstate movement of offenders for officials
124 involved in such activity.

125 The compacting states recognize that there is no right of any
126 offender to live in another state and that duly accredited officers of a
127 sending state may at all times enter a receiving state and there
128 apprehend and retake any offender under supervision subject to the
129 provisions of this compact and bylaws and rules promulgated
130 hereunder.

131 It is the policy of the compacting states that the activities conducted
132 by the Interstate Commission created herein are the formation of
133 public policies and are therefore public business.

134 ARTICLE II

135 DEFINITIONS

136 As used in this compact, unless the context clearly requires a
137 different construction:

138 A. "Adult" means both individuals legally classified as adults and
139 juveniles treated as adults by court order, statute or operation of law.

140 B. "Bylaws" mean those bylaws established by the Interstate
141 Commission for its governance or for directing or controlling the
142 Interstate Commission's actions or conduct.

143 C. "Compact administrator" means the individual in each
144 compacting state appointed pursuant to the terms of this compact
145 responsible for the administration and management of the state's
146 supervision and transfer of offenders subject to the terms of this

147 compact, the rules adopted by the Interstate Commission and policies
148 adopted by the state council under this compact.

149 D. "Compacting state" means any state which has enacted the
150 enabling legislation for this compact.

151 E. "Commissioner" means the voting representative of each
152 compacting state appointed pursuant to Article III of this compact.

153 F. "Interstate Commission" means the Interstate Commission for
154 Adult Offender Supervision established by this compact.

155 G. "Member" means the commissioner of a compacting state or
156 designee, who shall be a person officially connected with the
157 commissioner.

158 H. "Noncompacting state" means any state which has not enacted
159 the enabling legislation for this compact.

160 I. "Offender" means an adult placed under, or subject to, supervision
161 as the result of the commission of a criminal offense and released to the
162 community under the jurisdiction of courts, paroling authorities,
163 corrections or other criminal justice agencies.

164 J. "Person" means any individual, corporation, business enterprise,
165 or other legal entity, either public or private.

166 K. "Rules" means acts of the Interstate Commission, duly
167 promulgated pursuant to Article VII of this compact, substantially
168 affecting interested parties in addition to the Interstate Commission,
169 which shall have the force and effect of law in the compacting states.

170 L. "State" means a state of the United States, the District of Columbia
171 and any other territorial possession of the United States.

172 M. "State Council" means the resident members of the State Council
173 for Interstate Adult Offender Supervision created by each state under
174 Article III of this compact.

175 ARTICLE III176 THE COMPACT COMMISSION

177 A. The compacting states hereby create the "Interstate Commission
178 for Adult Offender Supervision." The Interstate Commission shall be a
179 body corporate and joint agency of the compacting states. The
180 Interstate Commission shall have all the responsibilities, powers and
181 duties set forth herein, including the power to sue and be sued, and
182 such additional powers as may be conferred upon it by subsequent
183 action of the respective legislatures of the compacting states in
184 accordance with the terms of this compact.

185 B. The Interstate Commission shall consist of commissioners
186 selected and appointed by resident members of a State Council for
187 Interstate Adult Offender Supervision for each state. While each
188 member state may determine the membership of its own State Council,
189 its membership must include at least one representative from the
190 legislative, judicial and executive branches of government, victims
191 groups and compact administrators. Each State Council shall appoint
192 as its commissioner the compact administrator from that state to serve
193 on the Interstate Commission in such capacity under or pursuant to
194 applicable law of the member state. Each compacting state retains the
195 right to determine the qualifications of the compact administrator who
196 shall be appointed by the State Council or by the Governor in
197 consultation with the legislature and the judiciary.

198 In addition to appointment of its commissioner to the Interstate
199 Commission, each State Council shall exercise oversight and advocacy
200 concerning its participation in Interstate Commission activities and
201 other duties as may be determined by each member state, including,
202 but not limited to, development of policy concerning operations and
203 procedures of the compact within that state.

204 C. In addition to the commissioners who are the voting
205 representatives of each state, the Interstate Commission shall include
206 individuals who are not commissioners but who are members of

207 interested organizations; such non-commissioner members must
208 include a member of the national organizations of governors,
209 legislators, state chief justices, attorneys general and crime victims. All
210 non-commissioner members of the Interstate Commission shall be ex
211 officio, nonvoting, members. The Interstate Commission may provide
212 in its bylaws for such additional, ex officio, nonvoting members as it
213 deems necessary.

214 D. Each compacting state represented at any meeting of the
215 Interstate Commission is entitled to one vote. A majority of the
216 compacting states shall constitute a quorum for the transaction of
217 business, unless a larger quorum is required by the bylaws of the
218 Interstate Commission.

219 E. The Interstate Commission shall meet at least once each calendar
220 year. The chairperson may call additional meetings and, upon the
221 request of twenty-seven or more compacting states, shall call
222 additional meetings. Public notice shall be given of all meetings and
223 meetings shall be open to the public.

224 F. The Interstate Commission shall establish an executive committee
225 which shall include commission officers, members and others as shall
226 be determined by the bylaws. The executive committee shall have the
227 power to act on behalf of the Interstate Commission during periods
228 when the Interstate Commission is not in session, with the exception of
229 rulemaking and/or amendment to the compact. The executive
230 committee oversees the day-to-day activities managed by the executive
231 director and Interstate Commission staff; administers enforcement and
232 compliance with the provisions of the compact, its bylaws and as
233 directed by the Interstate Commission and performs other duties as
234 directed by the Interstate Commission or set forth in the bylaws.

235 ARTICLE IV

236 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

237 The Interstate Commission shall have the following powers:

- 238 1. To adopt a seal and suitable bylaws governing the management
239 and operation of the Interstate Commission.
- 240 2. To promulgate rules which shall have the force and effect of
241 statutory law and shall be binding in the compacting states to the
242 extent and in the manner provided in this compact.
- 243 3. To oversee, supervise and coordinate the interstate movement of
244 offenders subject to the terms of this compact and any bylaws adopted
245 and rules promulgated by the compact commission.
- 246 4. To enforce compliance with compact provisions, Interstate
247 Commission rules, and bylaws, using all necessary and proper means
248 including, but not limited to, the use of judicial process.
- 249 5. To establish and maintain offices.
- 250 6. To purchase and maintain insurance and bonds.
- 251 7. To borrow, accept or contract for services of personnel, including,
252 but not limited to, members and their staffs.
- 253 8. To establish and appoint committees and hire staff which it
254 deems necessary for the carrying out of its functions including, but not
255 limited to, an executive committee as required by Article III which
256 shall have the power to act on behalf of the Interstate Commission in
257 carrying out its powers and duties hereunder.
- 258 9. To elect or appoint such officers, attorneys, employees, agents or
259 consultants, and to fix their compensation, define their duties and
260 determine their qualifications; and to establish the Interstate
261 Commission's personnel policies and programs relating to, among
262 other things, conflicts of interest, rates of compensation and
263 qualifications of personnel.
- 264 10. To accept any and all donations and grants of money,
265 equipment, supplies, materials and services, and to receive, utilize and
266 dispose of same.

267 11. To lease, purchase, accept contributions or donations of, or
268 otherwise to own, hold, improve or use any property, real, personal or
269 mixed.

270 12. To sell, convey, mortgage, pledge, lease, exchange, abandon or
271 otherwise dispose of any property, real, personal or mixed.

272 13. To establish a budget and make expenditures and levy dues as
273 provided in Article IX of this compact.

274 14. To sue and be sued.

275 15. To provide for dispute resolution among compacting states.

276 16. To perform such functions as may be necessary or appropriate to
277 achieve the purposes of this compact.

278 17. To report annually to the legislatures, governors, judiciary and
279 state councils of the compacting states concerning the activities of the
280 Interstate Commission during the preceding year. Such reports shall
281 also include any recommendations that may have been adopted by the
282 Interstate Commission.

283 18. To coordinate education, training and public awareness
284 regarding the interstate movement of offenders for officials involved in
285 such activity.

286 19. To establish uniform standards for the reporting, collecting and
287 exchanging of data.

288 ARTICLE V

289 ORGANIZATION AND OPERATION OF THE INTERSTATE
290 COMMISSION

291 Section A. Bylaws

292 1. The Interstate Commission shall, by a majority of the members,
293 within twelve months of the first Interstate Commission meeting,

294 adopt bylaws to govern its conduct as may be necessary or appropriate
295 to carry out the purposes of the compact, including, but not limited to:

296 a. Establishing the fiscal year of the Interstate Commission;

297 b. Establishing an executive committee and such other committees
298 as may be necessary;

299 c. Providing reasonable standards and procedures: (i) For the
300 establishment of committees, and (ii) governing any general or specific
301 delegation of any authority or function of the Interstate Commission;

302 d. Providing reasonable procedures for calling and conducting
303 meetings of the Interstate Commission, and ensuring reasonable notice
304 of each such meeting;

305 e. Establishing the titles and responsibilities of the officers of the
306 Interstate Commission;

307 f. Providing reasonable standards and procedures for the
308 establishment of the personnel policies and programs of the Interstate
309 Commission. Notwithstanding any civil service or other similar laws
310 of any compacting state, the bylaws shall exclusively govern the
311 personnel policies and programs of the Interstate Commission;

312 g. Providing a mechanism for winding up the operations of the
313 Interstate Commission and the equitable return of any surplus funds
314 that may exist upon the termination of the compact after the payment
315 and/or reserving of all of its debts and obligations;

316 h. Providing transition rules for "start up" administration of the
317 compact; and

318 i. Establishing standards and procedures for compliance and
319 technical assistance in carrying out the compact.

320 Section B. Officers and staff

321 1. The Interstate Commission shall, by a majority of the members,

322 elect from among its members a chairperson and a vice chairperson,
323 each of whom shall have such authority and duties as may be specified
324 in the bylaws. The chairperson or, in his or her absence or disability,
325 the vice chairperson, shall preside at all meetings of the Interstate
326 Commission. The officers so elected shall serve without compensation
327 or remuneration from the Interstate Commission; provided that,
328 subject to the availability of budgeted funds, the officers shall be
329 reimbursed for any actual and necessary costs and expenses incurred
330 by them in the performance of their duties and responsibilities as
331 officers of the Interstate Commission.

332 2. The Interstate Commission shall, through its executive committee,
333 appoint or retain an executive director for such period, upon such
334 terms and conditions and for such compensation as the Interstate
335 Commission may deem appropriate. The executive director shall serve
336 as secretary to the Interstate Commission, and hire and supervise such
337 other staff as may be authorized by the Interstate Commission, but
338 shall not be a member.

339 Section C. Corporate records of the Interstate Commission

340 The Interstate Commission shall maintain its corporate books and
341 records in accordance with the bylaws.

342 Section D. Qualified immunity, defense and indemnification

343 1. The members, officers, executive director and employees of the
344 Interstate Commission shall be immune from suit and liability, either
345 personally or in their official capacity, for any claim for damage to or
346 loss of property or personal injury or other civil liability caused or
347 arising out of any actual or alleged act, error or omission that occurred
348 within the scope of Interstate Commission employment, duties or
349 responsibilities; provided, that nothing in this paragraph shall be
350 construed to protect any such person from suit and/or liability for any
351 damage, loss, injury or liability caused by the intentional or wilful and
352 wanton misconduct of any such person.

353 2. The Interstate Commission shall defend the commissioner of a
354 compacting state, or his or her representatives or employees, or the
355 Interstate Commission's representatives or employees, in any civil
356 action seeking to impose liability, arising out of any actual or alleged
357 act, error or omission that occurred within the scope of Interstate
358 Commission employment, duties or responsibilities, or that the
359 defendant had a reasonable basis for believing occurred within the
360 scope of Interstate Commission employment, duties or responsibilities;
361 provided, that the actual or alleged act, error or omission did not result
362 from intentional wrongdoing on the part of such person.

363 3. The Interstate Commission shall indemnify and hold the
364 commissioner of a compacting state, the appointed designee or
365 employees, or the Interstate Commission's representatives or
366 employees, harmless in the amount of any settlement or judgment
367 obtained against such persons arising out of any actual or alleged act,
368 error or omission that occurred within the scope of Interstate
369 Commission employment, duties or responsibilities, or that such
370 persons had a reasonable basis for believing occurred within the scope
371 of Interstate Commission employment, duties or responsibilities,
372 provided, that the actual or alleged act, error or omission did not result
373 from gross negligence or intentional wrongdoing on the part of such
374 person.

375 ARTICLE VI

376 ACTIVITIES OF THE INTERSTATE COMMISSION

377 1. The Interstate Commission shall meet and take such actions as are
378 consistent with the provisions of this compact.

379 2. Except as otherwise provided in this compact and unless a greater
380 percentage is required by the bylaws, in order to constitute an act of
381 the Interstate Commission, such act shall have been taken at a meeting
382 of the Interstate Commission and shall have received an affirmative
383 vote of a majority of the members present.

384 3. Each member of the Interstate Commission shall have the right
385 and power to cast a vote to which that compacting state is entitled and
386 to participate in the business and affairs of the Interstate Commission.
387 A member shall vote in person on behalf of the state and shall not
388 delegate a vote to another member state. However, a State Council
389 shall appoint another authorized representative, in the absence of the
390 commissioner from that state, to cast a vote on behalf of the member
391 state at a specified meeting. The bylaws may provide for members'
392 participation in meetings by telephone or other means of
393 telecommunication or electronic communication. Any voting
394 conducted by telephone or other means of telecommunication or
395 electronic communication shall be subject to the same quorum
396 requirements of meetings where members are present in person.

397 4. The Interstate Commission shall meet at least once during each
398 calendar year. The chairperson of the Interstate Commission may call
399 additional meetings at any time and, upon the request of a majority of
400 the members, shall call additional meetings.

401 5. The Interstate Commission's bylaws shall establish conditions and
402 procedures under which the Interstate Commission shall make its
403 information and official records available to the public for inspection
404 or copying. The Interstate Commission may exempt from disclosure
405 any information or official records to the extent they would adversely
406 affect personal privacy rights or proprietary interests. In promulgating
407 such rules, the Interstate Commission may make available to law
408 enforcement agencies records and information otherwise exempt from
409 disclosure, and may enter into agreements with law enforcement
410 agencies to receive or exchange information or records subject to
411 nondisclosure and confidentiality provisions.

412 6. Public notice shall be given of all meetings and all meetings shall
413 be open to the public, except as set forth in the rules or as otherwise
414 provided in the compact. The Interstate Commission shall promulgate
415 rules consistent with the principles contained in the "Government in
416 Sunshine Act," 5 USC Section 552(b), as may be amended. The

417 Interstate Commission and any of its committees may close a meeting
418 to the public where it determines by two-thirds vote that an open
419 meeting would be likely to: a. Relate solely to the Interstate
420 Commission's internal personnel practices and procedures; b. disclose
421 matters specifically exempted from disclosure by statute; c. disclose
422 trade secrets or commercial or financial information which is
423 privileged or confidential; d. involve accusing any person of a crime,
424 or formally censuring any person; e. disclose information of a personal
425 nature where disclosure would constitute a clearly unwarranted
426 invasion of personal privacy; f. disclose investigatory records compiled
427 for law enforcement purposes; g. disclose information contained in or
428 related to examination, operating or condition reports prepared by, or
429 on behalf of or for the use of, the Interstate Commission with respect to
430 a regulated entity for the purpose of regulation or supervision of such
431 entity; h. disclose information, the premature disclosure of which
432 would significantly endanger the life of a person or the stability of a
433 regulated entity; i. specifically relate to the Interstate Commission's
434 issuance of a subpoena, or its participation in a civil action or
435 proceeding.

436 7. For every meeting closed pursuant to this provision, the Interstate
437 Commission's chief legal officer shall publicly certify that, in his or her
438 opinion, the meeting may be closed to the public, and shall reference
439 each relevant exemptive provision. The Interstate Commission shall
440 keep minutes which shall fully and clearly describe all matters
441 discussed in any meeting and shall provide a full and accurate
442 summary of any actions taken, and the reasons therefor, including a
443 description of each of the views expressed on any item and the record
444 of any roll call vote (reflected in the vote of each member on the
445 question). All documents considered in connection with any action
446 shall be identified in such minutes.

447 8. The Interstate Commission shall collect standardized data
448 concerning the interstate movement of offenders as directed through
449 its bylaws and rules which shall specify the data to be collected, the
450 means of collection and data exchange and reporting requirements.

451 ARTICLE VII452 RULEMAKING FUNCTIONS OF THE INTERSTATE453 COMMISSION

454 1. The Interstate Commission shall promulgate rules in order to
455 effectively and efficiently achieve the purposes of the compact
456 including transition rules governing administration of the compact
457 during the period in which it is being considered and enacted by the
458 states.

459 2. Rulemaking shall occur pursuant to the criteria set forth in this
460 article and the bylaws and rules adopted pursuant thereto. Such
461 rulemaking shall substantially conform to the principles of the federal
462 Administrative Procedure Act, 5 USC Section 551 et seq., and the
463 Federal Advisory Committee Act, 5 USC App. 2, Section 1 et seq., as
464 may be amended (hereinafter "APA").

465 3. All rules and amendments shall become binding as of the date
466 specified in each rule or amendment.

467 4. If a majority of the legislatures of the compacting states rejects a
468 rule, by enactment of a statute or resolution in the same manner used
469 to adopt the compact, then such rule shall have no further force and
470 effect in any compacting state.

471 5. When promulgating a rule, the Interstate Commission shall: a.
472 Publish the proposed rule stating with particularity the text of the rule
473 which is proposed and the reason for the proposed rule; b. allow
474 persons to submit written data, facts, opinions and arguments, which
475 information shall be publicly available; c. provide an opportunity for
476 an informal hearing; and d. promulgate a final rule and its effective
477 date, if appropriate, based on the rulemaking record.

478 6. Not later than sixty days after a rule is promulgated, any
479 interested person may file a petition in the United States District Court
480 for the District of Columbia or in the federal district court where the

481 Interstate Commission's principal office is located for judicial review of
482 such rule. If the court finds that the Interstate Commission's action is
483 not supported by substantial evidence, as defined in the APA, in the
484 rulemaking record, the court shall hold the rule unlawful and set it
485 aside.

486 7. Subjects to be addressed within twelve months after the first
487 meeting must at a minimum include: a. Notice to victims and
488 opportunity to be heard; b. offender registration and compliance; c.
489 violations/returns; d. transfer procedures and forms; e. eligibility for
490 transfer; f. collection of restitution and fees from offenders; g. data
491 collection and reporting; h. the level of supervision to be provided by
492 the receiving state; i. transition rules governing the operation of the
493 compact and the Interstate Commission during all or part of the period
494 between the effective date of the compact and the date on which the
495 last eligible state adopts the compact; j. mediation, arbitration and
496 dispute resolution.

497 The existing rules governing the operation of the previous compact
498 superceded by this act shall be null and void twelve months after the
499 first meeting of the Interstate Commission created hereunder.

500 8. Upon determination by the Interstate Commission that an
501 emergency exists, it may promulgate an emergency rule which shall
502 become effective immediately upon adoption, provided that the usual
503 rulemaking procedures provided hereunder shall be retroactively
504 applied to said rule as soon as reasonably possible, in no event later
505 than ninety days after the effective date of the rule.

506 ARTICLE VIII

507 OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY
508 THE
509 INTERSTATE COMMISSION

510 Section A. Oversight

511 1. The Interstate Commission shall oversee the interstate movement
512 of adult offenders in the compacting states and shall monitor such
513 activities being administered in noncompacting states which may
514 significantly affect compacting states.

515 2. The courts and executive agencies in each compacting state shall
516 enforce this compact and shall take all actions necessary and
517 appropriate to effectuate the compact's purposes and intent. In any
518 judicial or administrative proceeding in a compacting state pertaining
519 to the subject matter of this compact which may affect the powers,
520 responsibilities or actions of the Interstate Commission, the Interstate
521 Commission shall be entitled to receive all service of process in any
522 such proceeding, and shall have standing to intervene in the
523 proceeding for all purposes.

524 Section B. Dispute resolution

525 1. The compacting states shall report to the Interstate Commission
526 on issues or activities of concern to them, and cooperate with and
527 support the Interstate Commission in the discharge of its duties and
528 responsibilities.

529 2. The Interstate Commission shall attempt to resolve any disputes
530 or other issues which are subject to the compact and which may arise
531 among compacting states and noncompacting states.

532 3. The Interstate Commission shall enact a bylaw or promulgate a
533 rule providing for both mediation and binding dispute resolution for
534 disputes among the compacting states.

535 Section C. Enforcement

536 The Interstate Commission, in the reasonable exercise of its
537 discretion, shall enforce the provisions of this compact using any or all
538 means set forth in Article XI, Section B, of this compact.

539 ARTICLE IX

540 FINANCE

541 1. The Interstate Commission shall pay or provide for the payment
542 of the reasonable expenses of its establishment, organization and
543 ongoing activities.

544 2. The Interstate Commission shall levy on and collect an annual
545 assessment from each compacting state to cover the cost of the internal
546 operations and activities of the Interstate Commission and its staff
547 which must be in a total amount sufficient to cover the Interstate
548 Commission's annual budget as approved each year. The aggregate
549 annual assessment amount shall be allocated based upon a formula to
550 be determined by the Interstate Commission, taking into consideration
551 the population of the state and the volume of interstate movement of
552 offenders in each compacting state and shall promulgate a rule binding
553 upon all compacting states which governs said assessment.

554 3. The Interstate Commission shall not incur any obligations of any
555 kind prior to securing the funds adequate to meet the same; nor shall
556 the Interstate Commission pledge the credit of any of the compacting
557 states, except by and with the authority of the compacting state.

558 4. The Interstate Commission shall keep accurate accounts of all
559 receipts and disbursements. The receipts and disbursements of the
560 Interstate Commission shall be subject to the audit and accounting
561 procedures established under its bylaws. However, all receipts and
562 disbursements of funds handled by the Interstate Commission shall be
563 audited yearly by a certified or licensed public accountant and the
564 report of the audit shall be included in and become part of the annual
565 report of the Interstate Commission.

566 ARTICLE X567 COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT

568 1. Any state, as defined in Article II of this compact, is eligible to
569 become a compacting state.

570 2. The compact shall become effective and binding upon legislative
571 enactment of the compact into law by no less than thirty-five of the
572 states. The initial effective date shall be the later of July 1, 2001, or
573 upon enactment into law by the thirty-fifth jurisdiction. Thereafter it
574 shall become effective and binding, as to any other compacting state,
575 upon enactment of the compact into law by that state. The governors
576 of nonmember states or their designees will be invited to participate in
577 Interstate Commission activities on a nonvoting basis prior to adoption
578 of the compact by all states and territories of the United States.

579 3. Amendments to the compact may be proposed by the Interstate
580 Commission for enactment by the compacting states. No amendment
581 shall become effective and binding upon the Interstate Commission
582 and the compacting states unless and until it is enacted into law by
583 unanimous consent of the compacting states.

584 ARTICLE XI

585 WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL
586 ENFORCEMENT

587 Section A. Withdrawal

588 1. Once effective, the compact shall continue in force and remain
589 binding upon each and every compacting state; provided, that a
590 compacting state may withdraw from the compact ("withdrawing
591 state") by enacting a statute specifically repealing the statute which
592 enacted the compact into law.

593 2. The effective date of withdrawal is the effective date of the repeal.

594 3. The withdrawing state shall immediately notify the chairperson
595 of the Interstate Commission in writing upon the introduction of
596 legislation repealing this compact in the withdrawing state.

597 4. The Interstate Commission shall notify the other compacting
598 states of the withdrawing state's intent to withdraw within sixty days
599 of its receipt thereof.

600 5. The withdrawing state is responsible for all assessments,
601 obligations and liabilities incurred through the effective date of
602 withdrawal, including any obligations, the performance of which
603 extend beyond the effective date of withdrawal.

604 6. Reinstatement following withdrawal of any compacting state
605 shall occur upon the withdrawing state reenacting the compact or
606 upon such later date as determined by the Interstate Commission.

607 Section B. Default

608 1. If the Interstate Commission determines that any compacting
609 state has at any time defaulted ("defaulting state") in the performance
610 of any of its obligations or responsibilities under this compact, the
611 bylaws or any duly promulgated rules, the Interstate Commission may
612 impose any or all of the following penalties:

613 a. Fines, fees and costs in such amounts as are deemed to be
614 reasonable as fixed by the Interstate Commission;

615 b. Remedial training and technical assistance as directed by the
616 Interstate Commission;

617 c. Suspension and termination of membership in the compact.
618 Suspension shall be imposed only after all other reasonable means of
619 securing compliance under the bylaws and rules have been exhausted.
620 Immediate notice of suspension shall be given by the Interstate
621 Commission to the Governor, the Chief Justice or chief judicial officer
622 of the state; the majority and minority leaders of the defaulting state's
623 legislature, and the State Council. The grounds for default include, but
624 are not limited to, failure of a compacting state to perform such
625 obligations or responsibilities imposed upon it by this compact,
626 Interstate Commission bylaws, or duly promulgated rules. The
627 Interstate Commission shall immediately notify the defaulting state in
628 writing of the penalty imposed by the Interstate Commission on the
629 defaulting state pending a cure of the default. The Interstate
630 Commission shall stipulate the conditions and the time period within

631 which the defaulting state must cure its default. If the defaulting state
632 fails to cure the default within the time period specified by the
633 Interstate Commission, in addition to any other penalties imposed
634 herein, the defaulting state may be terminated from the compact upon
635 an affirmative vote of a majority of the compacting states and all
636 rights, privileges and benefits conferred by this compact shall be
637 terminated from the effective date of suspension.

638 2. Within sixty days of the effective date of termination of a
639 defaulting state, the Interstate Commission shall notify the Governor,
640 the Chief Justice or chief judicial officer and the majority and minority
641 leaders of the defaulting state's legislature and the State Council of
642 such termination.

643 3. The defaulting state is responsible for all assessments, obligations
644 and liabilities incurred through the effective date of termination
645 including any obligations, the performance of which extends beyond
646 the effective date of termination.

647 4. The Interstate Commission shall not bear any costs relating to the
648 defaulting state unless otherwise mutually agreed upon between the
649 Interstate Commission and the defaulting state.

650 5. Reinstatement following termination of any compacting state
651 requires both a reenactment of the compact by the defaulting state and
652 the approval of the Interstate Commission pursuant to the rules.

653 Section C. Judicial enforcement

654 The Interstate Commission may, by majority vote of the members,
655 initiate legal action in the United States District Court for the District of
656 Columbia or, at the discretion of the Interstate Commission, in the
657 federal district where the Interstate Commission has its offices to
658 enforce compliance with the provisions of the compact, its duly
659 promulgated rules and bylaws, against any compacting state in
660 default. In the event judicial enforcement is necessary the prevailing
661 party shall be awarded all costs of such litigation including reasonable

662 attorneys' fees.

663 Section D. Dissolution of compact

664 1. The compact dissolves effective upon the date of the withdrawal
665 or default of the compacting state which reduces membership in the
666 compact to one compacting state.

667 2. Upon the dissolution of this compact, the compact becomes null
668 and void and shall be of no further force or effect, and the business and
669 affairs of the Interstate Commission shall be wound up and any
670 surplus funds shall be distributed in accordance with the bylaws.

671 ARTICLE XII

672 SEVERABILITY AND CONSTRUCTION

673 1. The provisions of this compact shall be severable, and if any
674 phrase, clause, sentence or provision is deemed unenforceable, the
675 remaining provisions of the compact shall be enforceable.

676 2. The provisions of this compact shall be liberally construed to
677 effectuate its purposes.

678 ARTICLE XIII

679 BINDING EFFECT OF COMPACT AND OTHER LAWS

680 Section A. Other laws

681 1. Nothing herein prevents the enforcement of any other law of a
682 compacting state that is not inconsistent with this compact.

683 2. All compacting states' laws conflicting with this compact are
684 superseded to the extent of the conflict.

685 Section B. Binding effect of the compact

686 1. All lawful actions of the Interstate Commission, including all
687 rules and bylaws promulgated by the Interstate Commission, are

688 binding upon the compacting states.

689 2. All agreements between the Interstate Commission and the
690 compacting states are binding in accordance with their terms.

691 3. Upon the request of a party to a conflict over meaning or
692 interpretation of Interstate Commission actions, and upon a majority
693 vote of the compacting states, the Interstate Commission may issue
694 advisory opinions regarding such meaning or interpretation.

695 4. In the event any provision of this compact exceeds the
696 constitutional limits imposed on the legislature of any compacting
697 state, the obligations, duties, powers or jurisdiction sought to be
698 conferred by such provision upon the Interstate Commission shall be
699 ineffective and such obligations, duties, powers or jurisdiction shall
700 remain in the compacting state and shall be exercised by the agency
701 thereof to which such obligations, duties, powers or jurisdiction are
702 delegated by law in effect at the time this compact becomes effective.

703 Sec. 4. Sections 54-132 and 54-134 to 54-138b, inclusive, of the
704 general statutes are repealed.

705 Sec. 5. This act shall take effect July 1, 2000, except that (1) Article III,
706 section (b)(2)(A) and section (b)(3) of section 1, relating to participation
707 in the National Fingerprint File, shall take effect on January 1, 2002,
708 unless the Commissioner of Public Safety certifies to the Attorney
709 General of the United States an earlier date for participation in the
710 National Fingerprint File, and (2) sections 3 and 4 shall take effect July
711 1, 2001, or upon enactment of the Interstate Compact for Adult
712 Offender Supervision by thirty-five jurisdictions, whichever is later."